

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in light of the present amendment and following discussion, is respectfully requested.

Claims 1-14 are pending in the present application. Claims 1, 3-8, 10-12, and 14 are amended. Support for the amendments to Claims 1 and 7 can be found in the specification as published at least at paragraph [0068]. Support for the amendments to Claims 3-6, 8, 10-12, and 14 is self-evident. Thus, no new matter is added.

The outstanding Office Action objected to the Abstract for informalities. The outstanding Office Action rejected Claims 10-13 under 35 U.S.C. §112, second paragraph, as indefinite. The outstanding Office Action rejected Claims 1-3 under 35 U.S.C. §102(b) as anticipated by Yoshida (U.S. Patent 7,404,476). The outstanding Office Action rejected Claim 14 under 35 U.S.C. §102(b) as anticipated by Kamschal et al. (U.S. Patent 5,613,758¹, herein “Kamschal”). The outstanding Office Action rejected Claims 4-13 as unpatentable over Yoshida.

In response to the objection to the Abstract, a clean version of the Abstract is attached in the present response.

In response to the rejection of Claims 10-13 under 35 U.S.C. §112, second paragraph, as indefinite, Claim 10 is amended to correct the noted informalities.

In addition, Applicant respectfully traverses the rejection of Claims 1-3 under 35 U.S.C. §102(b) as anticipated by Yoshida.

Applicant respectfully notes that the PCT filing date (international filing date) of the present application is October 8, 2004. The publication date of Yoshida is April 21, 2005, which post-dates the present application’s October 8, 2004, PCT filing date. Accordingly,

¹ The outstanding Office Action listed 5,613,759 as the patent number for Kamschal et al.

Yoshida fails to qualify as a reference against the present application under 35 U.S.C. §102(a) or 35 U.S.C. §102(b).

The outstanding Office Action states that the prior art date of Yoshida is determined under 35 U.S.C. § 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. § 102(e)).² However, Applicant respectfully notes that Yoshida has a PCT filing date (international filing date) of October 8, 2004. As Yoshida is a U.S. patent filed after November 29, 2000, the WIPO publication of its International Application (IA) was published in English, and its International Application (IA) designated the U.S., the 35 U.S.C. § 102(e) reference date of Yoshida, according to MPEP § 706.02(f)(1), Chart I, is its **international filing date**. Thus, the 35 U.S.C. § 102(e) reference date of Yoshida is October 8, 2004.

35 U.S.C. § 102 states:

A person shall be entitled to a patent unless

(e) the invention was described in - (1) an application for patent, published under section 122(b), by another filed in the United States **before** the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States **before** the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language (emphasis added)

As the October 8, 2004, international filing date of Yoshida is not **before** the October 8, 2004, international filing date of the present application, Yoshida fails to qualify as a reference against the present application under 35 U.S.C. § 102(e).

² See outstanding Office Action at page 3.

Accordingly, Yoshida fails to qualify as a reference against the present application under any section of 35 U.S.C. § 102. Therefore, Applicant respectfully requests that the rejection of Claims 1-3 under 35 U.S.C. §102(b) be withdrawn.

In addition, Applicant respectfully traverses the rejection of Claim 14 under 35 U.S.C. §102(b) as anticipated by Kamschal.

Claim 14 is amended to depend from independent Claim 1. Applicant respectfully submits that Kamschal fails to disclose all the features recited in amended independent Claim 1. For example, Kamschal is silent regarding a handrail inlet safety device, an operation device, and an operation condition display device disposed in an end-deck cover.

Accordingly, Applicant respectfully requests that the rejection of Claim 14 under 35 U.S.C. §102(b) be withdrawn.

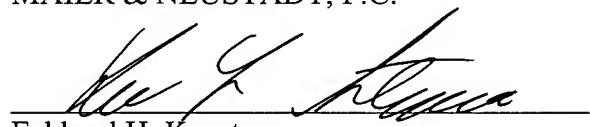
In addition, Applicant respectfully traverses the rejection of Claims 4-13 under 35 U.S.C. §103(a) as unpatentable over Yoshida.

As discussed above, Yoshida fails to qualify as a reference against the present application under 35 U.S.C. § 102, and therefore fails to qualify as a reference under 35 U.S.C. § 103. Accordingly, Applicant respectfully requests the rejection of Claims 4-13 under 35 U.S.C. §103(a) be withdrawn.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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